

435-08/WLJ/JPG

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08 CV 6880.J

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
ALLIED CHEMICAL CARRIERS LLC,	:
	:
Plaintiff,	:
	:
-against-	:
	:
NATIONAL BIOFUELS L.P. d/b/a	:
NATIONAL BIOFUELS L.L.P. d/b/a	:
NATIONAL BIOFUELS L.L.C.,	:
Defendant.	:
-----X	

**GISHOLT AFFIDAVIT  
PURSUANT TO RULE B(1)**

STATE OF NEW YORK )  
                       )  
                       ss:  
COUNTY OF NEW YORK )

JAN GISHOLT, being duly sworn, deposes and says as follows:

1. I am not a party to the within action, am over 18 years of age and have an office and place of business at 80 Pine Street, New York, New York 10005.

2. This Affidavit is submitted pursuant to Supplemental Rule B of the Federal Rules of Civil Procedure (see paragraphs 3-4, below) and in support of Plaintiff's application pursuant to Rule 4(c) of the Federal Rules of Civil Procedure (see paragraphs 5-9, below).

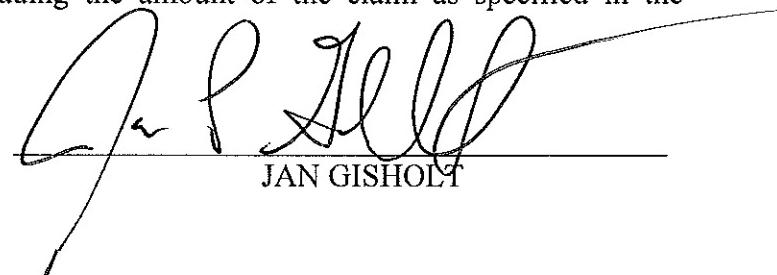
3. Deponent has made an investigation and deponent believes that based upon the results of this investigation, that Defendant NATIONAL BIOFUELS, L.P. is a corporation or other business entity that cannot be "found" within this District for the purpose of an attachment under Rule B. In support of this position, deponent has conducted the following investigation:

- (a) Deponent contacted the office of the New York Department of State, Division of Corporations on July 31, 2008, via the official Department of State website at <http://www.dos.state.ny.us> and conducted a search for the Defendant and the search results indicated that the Defendant is not a New York corporation. Defendant is registered with the NY Department of State as a Texas Foreign Limited Partnership, but does not maintain a registered agent in New York;
- (b) Deponent consulted with Directory Assistance for New York State on July 31, 2008 for area codes (212), (347), (718), (917), (646), (914), and (845) and no listing for the Defendant, was located;
- (c) Deponent reviewed the Journal of Commerce (Business Directory) Transportation Telephone Tickler, 2008 Edition (Vol. 1 New York Metropolitan Area) and no listing was found for the Defendant;
- (d) Deponent accessed on July 31, 2008, through Microsoft Internet Explorer, Google and Yahoo! Search engines the yellow pages telephone directory database and found no listing in that database for any offices or agents of the Defendant within this district;

(e) Deponent has located a link for a website for Defendant which was disabled at the time of the search.

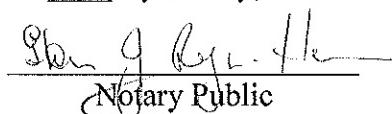
(f) Deponent is unaware of any general or managing agent(s) within this District of the Defendant.

4. Based upon the foregoing, your deponent submits that the Defendant cannot be "found" within this District for the purpose of an attachment pursuant to Rule B and seeks an order of attachment against such tangible and intangible property of the Defendant as may be found within this District up to and including the amount of the claim as specified in the Complaint.



JAN GISHOLT

Sworn to before me this  
21<sup>st</sup> day of July, 2008



Notary Public

**GLORIA J. REGIS HOSEIN**  
Notary Public, State of New York  
No. 01RE6065625, Qualified in Kings County  
Certificate Filed in New York County  
Commission Expires October 22, 2009